

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, AS SUCCESSOR IN INTEREST
TO BANK OF AMERICA, NATIONAL
ASSOCIATION, AS SUCCESSOR BY MERGER
TO LASALLE BANK NATIONAL ASSOCIATION,
FOR THE REGISTERED HOLDERS OF
J.P. MORGAN CHASE COMMERCIAL
MORTGAGE SECURITIES CORP., COMMERCIAL
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2004-PNC1**

CASE NO. 1:17-cv-46

JUDGE TIMOTHY BLACK

v.

KE TRI-COUNTY, LLC

ORDER – CONSENT JUDGMENT IN MORTGAGE FORECLOSURE

Pursuant to the agreement of the parties as set forth below by the signatures of Counsel for the Plaintiff and Counsel for the Defendant, evidencing Defendant's consent to the entry of Judgment in Mortgage Foreclosure in favor of Plaintiff, U.S. Bank National Association, as Trustee, as Successor in Interest to Bank of America, National Association, as Successor by Merger to LaSalle Bank National Association, for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2004-PNC1; and

It appearing that as of December 1, 2017, the following sums are due and owing from Defendant to Plaintiff under the Note, Mortgage and other documents evidencing and securing the Loan as issue in this action (the foregoing, as more fully described in the Complaint, the "Loan Documents"):

a.	Principal	-	\$8,589,755.78
b.	Deferred Interest	-	\$ 836,704.46
c.	Default Interest	-	\$ 489,616.08
d.	Late Fees	-	\$ 15,121.20
e.	Collection Expenses	-	\$ 4,989.94
	TOTAL		\$9,936,187.46

together with continuing per diem interest from and after December 1, 2017 at the regular rate of \$1,266.99 per day and at the default rate of \$954.42 per day until the Mortgaged Property, as defined below, is sold at foreclosure sale, together with any and all other amounts advanced by Plaintiff during the pendency of this action, together with attorneys' fees and costs incurred by Plaintiff as a result of Defendant's defaults under the Loan Documents; it is hereby:

ORDERED, ADJUDGED, AND DECREED that Judgment in Mortgage Foreclosure is entered in favor of Plaintiff and against Defendant as follows:

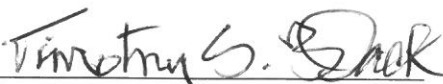
a. Fixing the amount due under the Note and the Mortgage as of December 1, 2017 at \$9,936,187.46, together with continuing per diem interest from and after December 1, 2017 at the regular rate of \$1,266.99 per day and at the default rate of \$954.42 per day until the Mortgaged Property, as defined below, is sold at foreclosure sale, together with any and all other amounts advanced by Plaintiff during the pendency of this action, together with attorneys' fees and costs incurred by Plaintiff in connection with this action and the matters at issue therein; and

b. Foreclosing all right, title, lien and equity of redemption which said Defendant and all those claiming by, through or under it have or had in the real estate located in the City of Springdale, County of Hamilton, and more fully described in **Exhibit "A"** (the "Mortgaged Premises"), together with the rents, leases, personalty, fixtures, furniture and other items and

things pledged as collateral for the Loan at issue in this action, all as more specifically and fully identified in the Open-End Mortgage, Security Agreement, Assignment of Rents and Fixture Filing, Assignment of Leases and Rents as modified from time to time and UCC Financing Statements at issue in this action (the foregoing collectively, with the Mortgaged Premises, the “Mortgaged Property”), and ordering that the Mortgaged Property be sold at a public foreclosure sale pursuant to 28 U.S.C. § 2001 et seq. by the United States Marshal or a receiver appointed by this Court, on such terms and conditions as shall be advertised.

IT IS SO ORDERED.

Date: 1/2/18


Timothy S. Black
United States District Judge

Stipulated and Agreed to by:

/s/ Alicia M. Stefanski (0082515)

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Counsel for Plaintiff

U.S. Bank National Association, as Trustee, as Successor in Interest to Bank of America, National Association, as Successor by Merger to LaSalle Bank National Association, for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2004-PNC1

/s/ Donald J. Rafferty

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EXHIBIT "A" TO JUDGMENT ORDER

EXHIBIT A
LEGAL DESCRIPTION

PARCEL I

SITUATE IN THE CITY OF SPRINGDALE, IN SECTION 6, TOWN 3, ENTIRE RANGE 1, HAMILTON COUNTY, OHIO, AND BEING ALL OF LOT 7 AS THE SAME APPEARS ON RE-PLAT OF CENTURY BUSINESS PARK SUBDIVISION. RECORDED IN PLAT BOOK 319, HAMILTON COUNTY, OHIO RECORDS.

PARCEL II - AREA "A"

SITUATE IN THE CITY OF SPRINGDALE IN SECTION 6, TOWN 3, ENTIRE RANGE 1, HAMILTON COUNTY, OHIO AND BEING ALL OF AREA "A" AS SHOWN ON THE VACATION PLAT PREPARED BY CDS ASSOCIATES DATED APRIL, 1995 AND RECORDED IN PLAT BOOK 326, PAGE 31 OF THE HAMILTON COUNTY, OHIO RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF CENTURY BOULEVARD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 7 OF THE RE-PLAT OF CENTURY BUSINESS PARK AS RECORDED IN PLAT BOOK 319, PAGE 56 OF THE HAMILTON COUNTY RECORDER'S OFFICE; THENCE, SOUTH $00^{\circ}45'00''$ WEST, 5.12 FEET; THENCE WITH THE ARC OF A CURVE WHOSE RADIUS IS 60.00 FEET, CLOCKWISE, 97.62 FEET (CHORD OF SAID ARC BEARS SOUTH $47^{\circ}21'45''$ WEST, 87.12 FEET) TO A POINT IN THE NORTHLINE OF CENTURY CIRCLE NORTH; THENCE CONTINUING ALONG THE SAID NORTHLINE OF CENTURY CIRCLE NORTH, NORTH $86^{\circ}01'30''$ WEST, 4.84 FEET; THENCE WITH THE ARC OF A CURVE WHOSE RADIUS IS 130.00 FEET, COUNTERCLOCKWISE, 77.88 FEET, (CHORD OF SAID ARC BEARS SOUTH $76^{\circ}48'49''$ WEST, 79.72 FEET); THENCE DEPARTING THE SAID NORTHERLY RIGHT-OF-WAY LINE OF CENTURY CIRCLE NORTH, NORTH $27^{\circ}48'53''$ WEST, 105.76 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 7 OF CENTURY BUSINESS PARK; THENCE ALONG THE SAID SOUTHERLY LINE OF LOT 7 WITH THE ARC OF A CURVE WHOSE RADIUS IS 100.00 FEET, CLOCKWISE, 92.54 FEET (CHORD OF SAID ARC BEARS SOUTH $72^{\circ}59'27''$ EAST, 89.28 FEET); THENCE WITH THE ARC OF A CURVE WHOSE RADIUS IS 70.00 FEET, COUNTERCLOCKWISE, 124.31 FEET, (CHORD OF SAID ARC BEARS NORTH $82^{\circ}37'53''$ EAST, 108.61 FEET) TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. THE ABOVE DESCRIBED TRACT CONTAINS 0.1917 ACRES OF LAND.

PARCEL II - AREA "B"

SITUATE IN THE CITY OF SPRINGDALE IN SECTION 6, TOWN 3, RANGE 1, HAMILTON COUNTY, OHIO, AND BEING ALL OF AREA "B" AS SHOWN ON THE VACATION PLAT PREPARED BY CDS ASSOCIATES DATED APRIL, 1995 AND RECORDED IN PLAT BOOK 326, PAGE 31 OF THE HAMILTON COUNTY, OHIO RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWESTERLY CORNER OF LOT 7 OF THE RE-PLAT OF CENTURY BUSINESS PARK AS RECORDED IN PLAT BOOK 319, PAGE 56 OF THE HAMILTON COUNTY RECORDER'S OFFICE; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 7 OF CENTURY BUSINESS PARK AS RECORDED IN PLAT BOOK 319, PAGE 56 OF THE HAMILTON COUNTY RECORDER'S OFFICE; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 7 OF CENTURY BUSINESS PARK WITH THE ARC OF A

CURVE WHOSE RADIUS IS 100.00 FEET, CLOCKWISE, 36.56 FEET, (CHORD OF SAID ARC BEARS NORTH 64°04'43" EAST 36.36 FEET); THENCE DEPARTING THE SAID SOUTHERLY LINE OF LOT 7 SOUTH 27°48'53" EAST, 109.33 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CENTURY CIRCLE WEST; THENCE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF CENTURY CIRCLE WEST, WITH THE ARC OF A CURVE WHOSE RADIUS IS 130.00 FEET, COUNTERCLOCKWISE, 12.05 FEET, (CHORD OF SAID ARC BEARS SOUTH 52°34'26" WEST, 12.04 FEET); THENCE DEPARTING THE SAID WESTERLY RIGHT-OF-WAY LINE OF CENTURY CIRCLE WEST, NORTH 40°04'50" WEST 115.17 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. THE ABOVE DESCRIBED TRACT CONTAINS 0.0624 ACRES OF LAND.

PARCEL III

SITUATE IN THE CITY OF SPRINGDALE, IN SECTION 6 TOWN 3 ENTIRE RANGE 1 HAMILTON COUNTY OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF CENTURY BOULEVARD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 7 OF THE REPLAT OF CENTURY BUSINESS PARK, AS RECORDED IN PLAT BOOK 319, PAGE 56 OF THE HAMILTON COUNTY RECORDER'S OFFICE; THENCE ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF CENTURY BOULEVARD, NORTH 00°45'00" EAST, 267.99 FEET; THENCE DEPARTING THE SAID PROPOSED WESTERLY RIGHT OF WAY LINE OF CENTURY BOULEVARD WITH THE ARC OF A CURVE WHOSE RADIUS IS 200.00 FEET, COUNTERCLOCKWISE, 44.81 FEET, (CHORD OF SAID ARC BEARS SOUTH 05°40'10" EAST, 44.72 FEET); THENCE WITH THE ARC OF A CURVE WHOSE RADIUS IS 200.00 FEET, CLOCKWISE, 44.81 FEET, (CHORD OF SAID ARC BEARS SOUTH 05°40'10" EAST, 44.72 FEET); THENCE SOUTH 00°45'00" WEST, 143.06 FEET; THENCE WITH THE ARC OF A CURVE WHOSE RADIUS IS 70.00 FEET, CLOCKWISE, 37.88 FEET, (CHORD OF SAID ARC BEARS SOUTH 16°15'16" WEST, 37.42 FEET) TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. THE ABOVE DESCRIBED TRACT CONTAINS 0.049 ACRES OF LAND.

PARCEL IV

SITUATE IN THE CITY OF SPRINGDALE IN SECTION 6 TOWN 3 ENTIRE RANGE 1 HAMILTON COUNTY OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE PROPOSED SOUTHERLY RIGHT OF WAY LINE OF EAST KEMPER ROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 7 OF THE REPLAT OF CENTURY BUSINESS PARK AS RECORDED IN PLAT BOOK 319, PAGE 56 OF THE HAMILTON COUNTY RECORDERS OFFICE; THENCE DEPARTING THE SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE OF EAST KEMPER ROAD, NORTH 00°45'00" EAST, 80.1 FEET; THENCE SOUTH 86°01'30" EAST 118.81 FEET, SOUTH 03°58'30" WEST, 13.00 FEET TO A POINT IN THE SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE OF EAST KEMPER ROAD; THENCE ALONG THE SAID PROPOSED SOUTHERLY LINE OF EAST KEMPER ROAD NORTH 86°01'30" WEST, 53.17 FEET; THENCE NORTH 03°58'30" EAST, 5.00 FEET; THENCE NORTH 86°01'30" WEST 65.19 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. THE ABOVE DESCRIBED TRACT CONTAINS 0.028 ACRES OF LAND.

PARCEL V

NON EXCLUSIVE EASEMENT FO INGRESS AND EGRESS, PARKING AND UTILITIES AS
CREATED IN EASEMENT AGREEMENT BY AND BETWEEN ANCHOR DEVELOPMENTS,
LTD., AN OHIO LIMITED LIABILITY COMPANY AND MODERNAGE, INC. A DELAWARE
CORPORATION , DATED JULY 13, 1995, FILED FOR RECORD JULY 18, 1995 AND
RECORDED IN OFFICIAL RECORD 6807, PAGE 1493, RECORDER'S OFFICE
HAMILTON COUNTY OHIO.